

Comparison of NR 446 and CAMR Requirements

Rule Provision	Summary	Corresponding CAMR Related Provision or Requirement	Revision Action to Consider	Comments
NR 446.027 – Procedures for determining annual mercury emissions	Establishes uniform annual mercury emission measuring methods for stationary combustion and stationary process sources. Note: Mercury emission determination and reporting requirements for major utilities are in NR 446.09.	No corresponding provision.	Retain this provision as it is not related to the CAMR and does provide needed consistency in mercury emission determination and reporting from other significant sources.	In the course of developing NR 446 it was determined that a consistent set of procedures were desirable for determining mercury air emissions for significant sources in addition to major utilities affected by the rule.
NR 446.029 – Adoption of federal mercury standard	Requires the department to adopt a mercury standard and related administrative requirements similar to any federal requirement that affects electric utilities covered in the state rule.	No corresponding provision.	Remove this provision.	Since the CAMR was promulgated on May 18, 2005, the department is required to have revisions to NR 446 in place by November 17, 2006, that meets the reduction requirements and administrative provisions in the CAMR.
NR 446.03 – Baseline mercury emissions for major utilities	Outlines the requirement, schedule and approval process for a major utility to establish baseline mercury emissions. Baseline emissions are the starting point for major utilities to make reductions to meet the emission limitations in the state rule.	EPA used historical information to set mercury budgets for each state to allocate to affected utilities.	Remove this provision.	The CAMR does not have a baseline determination requirement because EPA used previously established data to set state budgets.
NR 446.04 – Procedures	Establishes the baseline	None.	Remove this provision.	EPA does outline

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for determining baseline mercury emissions for major utilities	determination procedures.			methodology used in CFR but they are needed in state plans.
NR 446.05 – Mercury emission limits for new or modified sources	Effective October 1, 2004, new or modified sources that result in an increase of annual allowable emissions of 10 pounds or more must apply BACT and obtain a permit unless they are subject to a Section 112 federal emission limit.	None	Retain this provision.	Complements federal requirements for controlling mercury emissions. Requires mercury control technology on significant new sources not otherwise covered by a federal requirement.
NR 446.055 – Mercury reduction goal	Encourages the Department to work with major utilities in the state to achieve an 80% reduction by 2018.	None.	Retain this provision.	The CAMR does not include a mercury reduction goal. Revising the state rule to be similar to the CAMR does not preclude retention of a state mercury reduction goal.
NR 446.06 – Mercury emission limits for major utilities	Mercury emission cap in affect in 2008 followed by mercury emission reductions from an established baseline. A 40% reduction is required by 2010 and a 75% reduction by 2015.	State budgets set that include existing and new coal-fired boilers.	Replace with revision that reflects the CAMR reduction requirements and affected units.	State will need to develop allowance allocation methodology.
NR 446.07 – Multi-pollutant reduction alternative	Allows the department to consider providing relief from the 2010 - 40% mercury reduction	No corresponding provision.	Remove this provision.	EPA would not accept a Multi-pollutant alternative in a state plan.

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	requirements for utilities that undertake reductions of other pollutants beyond regulatory requirements.			
NR 446.075 – Early emission reduction credits	Actions taken to reduce mercury after the effective date of the rule can create early reduction credits that may be used to meet reduction requirements.	No corresponding provision.	Remove this provision.	EPA would not accept an early reduction provision in a state plan.
NR 446.08 – Compliance and reporting requirements for major utilities	Major utilities are required to provide an annual compliance certification report. Two separate compliance plans are also required, one for each reduction phase in the state rule.	The CAMR outlines different reporting requirements. The CAMR does not require compliance plans.	Remove this provision.	Include reporting requirements in revisions to NR 446.09.
NR 446.09 – Annual mercury emissions determination and reporting	Outlines fuel sampling, stack emission testing and compliance reporting responsibilities for major utilities.	The CAMR outlines different monitoring, reporting and recordkeeping requirements for affected units,	Replace with revision that reflects compliance determination outlined in the CAMR.	EPA will manage compliance determine for states participating in the national banking and trading program. If state does not participate in the national program, rule revisions will be needed that address reporting and recordkeeping responsibilities. This will not affect the monitoring requirements which will be the same

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				as the CAMR.
NR 446.10 – Variance for major utilities	If technological or economic issues prevent a utility from meeting the reduction requirements an alternative reduction level or compliance schedule can be requested.	No corresponding provision.	Remove this provision.	EPA would not accept a variance provision in a state plan.
NR 446.11 – Electrical supply reliability waiver	Waivers from meeting an annual emission limitation can be granted in the case of events that are beyond the control of a utility related to maintaining electric reliability.	No corresponding provision.	Remove this provision.	EPA would not accept an electrical reliability waiver in a state plan.
NR 446.12 – Periodic evaluation and reconciliation reports	Preparation of periodic progress reports including status of mercury control technology development and understanding of mercury impacts on the environment. Also, requires a reconciliation report in the event of a federal mercury regulation or law becomes effective.	No corresponding provision.	Remove this provision.	The CAMR reconciliation report due November 2005 to NRB and legislature.